

PREFACE

Since the establishment of Local Agency Formation Commissions in 1963, various acts of the state Legislature have defined, amended, and expanded the role of LAFCOs in the State of California. This manual is, therefore, a dynamic document which must change as state directions, state mandates, and local needs change.

The manual is divided into five sections: First, a background of statewide problems which led to the creation of LAFCOs in every county in the state (except the city-county of San Francisco) is provided to place the current LAFCO role within a historical context. This section includes an outline of the current organization, structure, and processing procedures of the San Bernardino LAFCO.

Section Two provides an overview of the statutes that govern and provide direction to LAFCOs. The statutes outlined herein are not exhaustive, but they reflect the scope of LAFCO responsibilities and the elements of LAFCO decision-making.

Section Three lists the locally adopted Rules of Order by which the Commission conducts its hearings. Rules, which are not directly required by state law, are subject to change by a majority vote of the Commission members.

Section Four lists the adopted policies of the San Bernardino LAFCO. Recognizing that the needs of one county may be substantially different from another county, the state allows significant flexibility to each Commission, authorizing the LAFCO in many cases to apply the statutes "based on local conditions and circumstances". These local policies are therefore the catalyst for implementation of state laws designed to "discourage urban sprawl and encourage the logical and orderly formation and development of local agencies".

Section Five, Special District Representation -- Rules and Regulations, completes this review of the policies and procedures of the San Bernardino Local Agency Formation Commission.

The Executive Officer and staff are responsible for reviewing and processing all changes to this manual. Policy amendments, which are approved by the Commission, will be distributed to all manual holders.

Public entities and interested persons are invited to submit proposed changes to the manual.

BACKGROUND

During the postwar 1940s and 1950s, California experienced a tremendous population increase. Along with this came land speculation and a development boom never before witnessed any place in the Nation. Prime agricultural, ranch, and orchard lands were converted into sprawling residential tracts almost overnight.

As a result of this era of growth, the traditional purpose and structure of local government in California also underwent significant change. The demand for housing and municipal services mushroomed and the speculative nature of the development caused developers to seek the most expeditious and economical means of providing basic services such as water, roads, fire protection, and sewers.

During this period special district after special district were formed - many of them overlapping each other and providing like services to whomever asked for them without consideration of future development, land use, and long-range service financing.

Special districts became the local government of suburbia and municipalities suffered. With development moving away, cities experienced a deteriorating revenue base and a residual population of lower income residents. To counteract this, cities began annexing whatever territory they could. Because, however, of existing annexation statutes, cities were able to annex only the undeveloped land beyond or around developing suburbia. This type of annexation led to premature, unplanned development and irregular city boundaries.

By the late 1950s, California agricultural industry dwindled and cities began seeking state assistance to correct their blighted conditions. In 1958, Governor Edmund G. Brown, Sr., appointed a blue-ribbon commission to look into the cause and effect of these related happenings and to formulate solutions for restraining and correcting the situation.

As a result of these studies, the Legislature formed the California Boundary Commission organized at the state level and given review and comment authority over the boundaries of city annexations and incorporations.

The functioning of the Boundary Commission proved unsatisfactory from the beginning: it could offer no controlling solution to the creation of multiple special districts, and it did not have the authority to change the trend.

During 1961 and 1962, the Assembly Committee on Municipal and County Government held several lengthy hearings. All elements of local government participated. It was decided that the problems facing the areas had to be dealt with on a local county level; that whatever institution was formed had to have decisive

regulatory power; and, local answers to problems of urban sprawl and growth of local agencies required equal participation by the county and the cities to arrive at practical, workable solutions.

These principles became the cornerstone of the Knox-Nisbet Act, enacted in 1963, which created a local agency formation commission in each county in the state and charged them with the responsibility to discourage urban sprawl and encourage orderly growth and development of cities, districts, and communities. It is the regulatory body which sits between the citizens and various governmental agencies that provide municipal services.

The Commission holds a regular monthly public hearing with special meetings called and advertised as necessary. The public is invited to attend and give testimony. The LAFCO staff is available to meet with individuals and groups wishing to obtain or change necessary municipal services.

LAFCO STRUCTURE AND ORGANIZATION

The San Bernardino Local Agency Formation Commission consists of the following members:

- Two members of the County Board of Supervisors and one alternate, appointed by the Board from its own members;
- Two City Council members and one alternate, appointed by the City Selection Committee composed of the mayors of each of San Bernardino County's twenty-four (24) cities;
- Two Special Districts representatives and one alternate, appointed by the Special Districts Selection Committee consisting of the presidents of each of the County's fifty-five (55) independent special districts; and
- One Public Member and one alternate, appointed by the other six Commission members after review of applications.

The San Bernardino LAFCO is an independent body responsible for selecting its staff and establishing personnel rules and regulations. In San Bernardino County, the staff consists of:

- An EXECUTIVE OFFICER, who is required by state law to administer the day-by-day activities of the Commission and the staff, prepare and/or approve the "staff reports" which are circulated in advance for all items being considered by the Commission, and represent LAFCO in most matters in relationship with the public and other governmental bodies;

- A DEPUTY EXECUTIVE OFFICER, who assists in doing the research, gathering the data, and writing preliminary staff reports for proposals submitted to the Commission for consideration.
- A LEGAL COUNSEL, who interprets the law and gives legal advice to the Commission and staff on matters relating to LAFCO proceedings and decisions; and
- An ENVIRONMENTAL CONSULTANT, who reviews proposals filed with LAFCO for environmental effects and prepares a written response. The environmental consultant makes certain the proposals follow the requirements of the California Environmental Quality Act (CEQA) and the Commission's environmental guidelines and policy.
- A CLERK TO THE COMMISSION, who keeps the records of proposals submitted, maintains the record of the official proceedings of the Commission, and files official reports to the many elements of state and local government who depend on LAFCO for changes in official records;
- A LAFCO SECRETARY, who processes proposals submitted, publishes the required legal notices, sends information and notices to people and agencies who should have these, and performs the clerical and secretarial duties for the office;

In addition, the County Assessor, Registrar of Voters, Surveyor, Planning staff, other County staff members, and many cities and districts contribute to make up the background information contained in LAFCO staff reports.

BUDGET REQUIREMENTS AND PROCEDURES

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes the funding relationships between the County, the cities, the independent special districts, and LAFCO. The specific provisions for LAFCO funding are found in Government Code Section 56381, and can be generally summarized as follows:

Annually in the month of April, the Commission will adopt a "preliminary" budget and will forward that document to the County, to each city and independent special district in the county, and to "selection committees" for the cities and the special districts.

Throughout the latter part of April and through most of May, the County, the cities, and the independent districts have an opportunity to review and comment on the preliminary budget, and they may present their recommendations to the Commission at its public hearing scheduled for the third Wednesday in May. At the conclusion of this public hearing process, the Commission will adopt a budget, but it must adhere to language in Section 56831 that indicates, "At a minimum, the proposed and final

budget shall be equal to the budget adopted for the previous fiscal year, unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.”

By law, the Commission is required to adopt its final budget annually by June 15th, and the budget is forwarded to the County Auditor/Controller. The County Auditor/Controller determines the total projected net operating costs for LAFCO by deducting projected filing fee and interest revenues, and divides that net cost into thirds. The County is responsible to fund one-third of the net operating cost for LAFCO.

The cities in the County are also responsible for funding one-third of the net operating cost through a formula outlined in Section 56381. In general terms, the Auditor/Controller determines the percentage that each city’s total revenues bear to all of the revenues collected by all of the cities in the County. Each city would then be assigned that percentage as its share of the LAFCO cost.

The independent special districts in the County must also fund one-third of LAFCO’s net operating cost. The cost for each district is determined by the percentage that each district’s revenues “available for general purposes” bears to the combined districts’ revenues available for general purposes.

State law also gives to the cities and the independent special districts the ability to develop an alternative funding method, if the alternative is supported by a majority of the agencies which represent a majority of the population in the cities or districts.

GENERAL PROCEDURES FOR CHANGES IN BOUNDARIES OR ORGANIZATION TO BE PROCESSED BY THE LOCAL AGENCY FORMATION COMMISSION

The procedures for proposals considered by the Local Agency Formation Commission (LAFCO) are guided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.), and any proposal submitted must conform to the requirements outlined in the Act. The procedures outlined below represent broad guidelines as to the steps required:

1. INITIATION:

Generally, proposals for changes in boundaries, formations, or changes of organization can be submitted for the consideration of LAFCO by petition of the registered voters or affected landowners; however, prior to the circulation of any petition, a “Notice of Intent to Circulate” must be presented to the LAFCO Executive Officer. A proposal may also be initiated by a resolution adopted by the governing body of any related public body (county, city, or special district).

The proposal must be submitted on forms available from the LAFCO staff office, or on the LAFCO website (www.sbclafco.org), along with the applicable number of maps, legal descriptions, and filing fees to cover the proposal submitted.

2. LAFCO REVIEW PROCESS:

Upon receipt of a complete application, the LAFCO staff does several things concurrently:

- * It prepares a "Notice of Filing" and mails this to all affected and interested public bodies, including school districts, and sends a copy to the County Assessor and County Auditor-Controller.
- * It submits the item for environmental review; and
- * It schedules the item for review by the "Departmental Review Committee."

a. Notice of Filing:

This notice alerts the affected agencies of the item proposed, and requests from the Assessor and Auditor- Controller the ad valorem tax information pertinent to the proposal.

When the LAFCO staff office receives the tax information related to the proposal, it mails this information to the County Administrative Office and each affected city and/or special district.

NOTE: The proposal cannot be considered by the Commission until LAFCO receives from the County Board of Supervisors (for itself and affected districts) and any affected city, a resolution approving any changes in ad valorem tax distribution which is caused by the proposed change.

b. Request for Environmental Review:

LAFCO contracts with the firm of Tom Dodson and Associates for the initial environmental assessment of LAFCO proposals. The LAFCO review process cannot continue without a determination that the proposal: (1) qualifies for an exemption as defined within the California Environmental Quality Act (CEQA) and the Commission's environmental guidelines; (2) receives a Negative Declaration which indicates that, if approved, the project will have no adverse effects; or (3) there is a completed Environmental Impact Report submitted for the project.

Environmental determinations are reviewed and considered prior to Commission evaluation of the proposal.

c. Departmental Review Process:

Basic information related to each proposal is mailed to every agency affected by the item and to the County Assessor, Auditor-Controller, Registrar of Voters, Planning, Surveyor, and Transportation Departments, etc.

Each department or agency is requested to comment on the proposal and submit information relating to it. Then a Departmental Review Committee (DRC) meeting is held (normally the second Thursday of the month), and all information and concerns are reviewed. Applicants are encouraged to attend in order that steps to rectify any problems discovered can be outlined.

3. The LAFCO Executive Officer prepares and distributes a report making a recommendation to the Commission relating to the proposal.
4. The item is considered by the Commission, and it either approves or denies the proposal.
 - * If the Commission denies the proposal, then it is legally terminated.
 - * If the Commission approves the proposal, LAFCO staff will provide a published Notice of Protest Proceeding announcing the date for consideration of protest and the procedure and requirements for a valid written protest to the proposal.
5. The LAFCO Executive Officer will consider the item at the time and date indicated on the protest hearing notice, and will make a determination of the level of protest submitted. Based upon the level of protest, the Executive Officer shall issue a resolution approving, denying, or submitting the proposal to an election.
6. Upon the successful completion of this protest process, the Clerk to the Commission files a "Certificate of Completion" with appropriate bodies. The date of this Certificate is the effective date of the action.

If the protest process terminates the action, the Clerk to the Commission shall file a "Certificate of Termination" with appropriate bodies.

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT

The statutes governing the activities of the Local Agency Formation Commission are found under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The declared state policy for LAFCO is found in Section 56301 of the Government Code:

"Among the purposes of a Local Agency Formation Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances."

"One of the objectives of the Local Agency Formation Commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for present and future needs of each county and its communities."

The Cortese-Knox-Hertzberg Act gives LAFCO the authority to "approve or disapprove, with or without amendment, wholly, partially, or conditionally" a wide variety of proposals for jurisdictional change. These include, but are not limited to, proposals for:

- * Annexation of territory to cities or special districts.
- * Exclusion of land from cities or special districts.
- * The consolidation of two or more cities, or two or more special districts formed under the same principal act.
- * The formation of new special districts and the incorporation of new cities.
- * The dissolution of special districts and disincorporation of cities.
- * The merger of cities and special districts.
- * Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
- * Review and approval or denial of city or special district contracts for service outside their boundaries.

In addition to these review powers, the Commission has the authority to initiate and make studies of existing governmental agencies, which may include inventorying such agencies. As of July 1, 1994, based upon the findings of its special studies, the Commission has the authority to initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization which includes any of these outlined changes.

The Act provides the following powers and duties, among others, to LAFCO:

1. To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for the incorporation of cities, for changes of organization of cities, and municipal reorganizations.
2. To determine whether territory proposed for annexation or detachment, or municipal reorganization is inhabited or uninhabited. ("Inhabited" means an area contains twelve [12] or more registered voters.)
3. With regard to a proposal for consolidation of two or more cities, to determine which city shall be the consolidated, successor city.
4. To waive the statutory restrictions against creation of islands (unincorporated areas totally or substantially surrounded by city boundaries) if the Commission finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area would be enclosed as a result of incorporation or annexation and is so located that it cannot reasonably be annexed to another city or incorporated as a new city.
5. To approve the annexation of unincorporated, noncontiguous territory not exceeding 300 acres in area, located in the same county as that in which the city is located, and which is owned by a city and used for municipal purposes; and to authorize the annexation such territory without notice or hearing. In addition, the Commission has the authority to approve the annexation of non-contiguous territory that is used as a state correctional facility, with no acreage limitation.
6. To establish spheres of influence for all cities and special districts within the county, and to review those spheres of influence at least once every five years.
7. To conduct "service reviews" on a regional or subregional basis, evaluating infrastructure needs or deficiencies, growth and population projects, financing constraints and opportunities, and other issues. These reviews can occur in conjunction with sphere of influence studies, and must be conducted at least once every five years.

FACTORS LAFCO MUST CONSIDER:

State law provides a wide variety of factors that the Commission must consider in the review of a proposal. These are specified in Government Code Section 56668, and include, but are not limited to the following:

- Land area and land use.
- Topography, natural boundaries, and drainage basins.
- Population, population density, proximity to other populated areas, per capita assessed valuation.
- The likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next ten years.
- The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.
- The need for organized community services.
- The present cost and adequacy of governmental services and controls in the area, and probable future needs for such services and controls.
- The probable effects of the proposal and of alternatives on the cost and adequacy of services and controls in the area and adjacent areas. (As used, "services" refers to governmental services, including necessary public facilities, whether or not the services would be provided by local agencies under LAFCO's jurisdiction, i.e., educational services.)
- Conformity with appropriate city or county general and specific plans.
- The "sphere of influence" of any local agency which may be applicable to the proposal being reviewed.
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.
- The definiteness and certainty of the boundaries of the territory, the non-conformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundary.

- The conformity of the proposal and its anticipated effects with adopted Commission policies on providing planned, orderly, efficient patterns of urban development.
- The ability of the newly formed or annexing agency to provide the services which are identified in the application, and consideration of whether the revenues for those services will be sufficient.
- The timely availability of water supplies adequate for projected needs.
- The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- Any information or comments from the landowner or owners, and residents of the study area.

CONDITIONS WHICH MAY BE IMPOSED:

In the approval of boundary change proposals, LAFCOs have strong powers to attach conditions. Government Code Section 56885.5 through Section 56890 provide a broad range of conditions that the Commission may impose in approving an application. Those conditions range from the authority to impose special assessments to the transfer of employees among districts in a consolidation. The reader is referred to the specific Code Sections for the complete conditions authorized by statute.

The following are a few examples of how our authorized conditions may be applied:

- LAFCO can require as a condition of approval, that the territory being annexed shall be responsible for payment of existing fees, charges, or assessments currently in place by the annexing agency
- LAFCO can require as a condition of its approval that another change of organization for a related or overlapping agency be initiated, conducted, and completed. For example, if a proposal is for annexation of territory to a city, LAFCO can require that the territory also be annexed to or detached from special districts.
- LAFCO can require establishment of special assessment or improvement districts to finance capital facilities or improvements needed in affected territory.
- LAFCO can impose conditions related to the distribution of assets, financial contracts or obligations among affected agencies.

- LAFCO may impose conditions related to a local agency's employee salaries, benefits, and other personnel rights.
- LAFCO can impose a condition designating the method for selection of the Board of Directors and the number of Directors for a consolidated district.
- LAFCO can impose a condition that establishes the effective date for a change of organization.
- LAFCO can impose a condition that designates the agency to succeed to the rights, duties and obligations of an agency that is dissolved.

ENVIRONMENTAL REVIEW REQUIREMENTS:

LAFCO is subject to and under the jurisdiction of the California Environmental Quality Act (CEQA), as are most public agencies. This statute requires certain procedures to be followed in terms of environmental review and the opportunity for public participation in the decision-making process.

On June 22, 1990, LAFCO adopted environmental review guidelines and administrative policies and procedures implementing CEQA. (A subsequent amendment was adopted on January 18, 1995.) The guidelines and policies outline the specific procedures used by LAFCO to tailor the general provisions of the State Guidelines to LAFCO's specific functions as both a "Responsible" and a "Lead" agency as those terms are defined in CEQA. The reader is referred to those environmental policies and procedures for information concerning the Commission's environmental process.

The Commission's environmental consultant, Tom Dodson and Associates, reviews proposals that are filed with LAFCO for any environmental effects and provides a written response. Mr. Dodson's recommendation is advisory to the Commission, and the Commission takes the final action.

POWERS AND DUTIES OF THE COMMISSION IN CONDUCTING PROTEST PROCEEDINGS

Government Code Section 57000 (effective January 1, 2001) requires the Commission to conduct "protest proceedings" to determine whether the proposal can be ultimately approved without an election, whether an election should be held, or whether the proposal must be terminated due to majority protest. This is purely a ministerial process, where the Commission simply counts the written protest submitted to an action, determines the percentage that the landowner or voter protest bears to the total number of landowners and/or voters, and takes action based on that level of protest.

Because this is a ministerial process, the Commission has delegated the responsibility for conducting the protest hearings to the Executive Officer.

The purpose of the protest proceedings is to provide a forum wherein the popularity of the issue is tested. Depending on the results of that test, the proposal is either approved or denied, as shown in the following outline:

1. INITIATION OF PROCEEDINGS:

Within thirty-five (35) days of the adoption of a resolution of approval by LAFCO, the formal protest proceedings must be initiated by providing legal notices of the protest hearing. The final protest hearing must be set for a date not less than fifteen (15) or more than sixty (60) days after the notice is given.

The Commission may waive protest proceedings if the proposal contains 100% landowner consent, is uninhabited, and the affected agencies who would gain or lose territory as a result of the proposed jurisdictional change have provided written consent to the waiver of these proceedings, as authorized by Government Code Section 56663. That section also authorizes the Commission to waive protest proceedings for inhabited areas if none of the registered voters and none of the landowners have indicated opposition to the proposed annexation.

2. NOTICE:

The LAFCO Executive Officer must publish the notice of hearing to be held on the proposal in a newspaper of general circulation, it must send individual notices to everyone who has formally requested such notice; and to other local agencies as outlined by statute.

3. FINAL HEARING:

The LAFCO Executive Officer shall conduct the final hearing and make findings related to the level of written protest received. Based upon the level of protest received, the Executive Officer shall issue a resolution taking one of the following actions:

- a. Approval. If less than 25% of the voters in an "inhabited" proposal (legally defined as an area containing 12 or more voters), or if less than 50% of the landowners in an "uninhabited" proposal submitted written protest to the action, then the proposal must be approved, without an election.
- b. Call for Election. If written protests are filed by at least 25% and less than 50% of the voters, or 25% - 100% of the landowners in an inhabited area, then an election must be called and held, so the voters may decide

the issue.

- c. Denial. If written protests are filed by 50% or more of the voters in an inhabited area, or if landowners representing 50% or more of the assessed value of an uninhabited annexation area have filed written protest, then the proposal must be denied.

NOTE: If the proposal is for city detachment or district annexation, the proposal shall be terminated if the detaching city or annexing district files an objection to that action, regardless of the level of consent or protest from affected landowners and voters.

4. COMPLETION:

If the proposal is approved, LAFCO issues a Certificate of Completion and notifies the state and other agencies of the successful jurisdictional change. If LAFCO has waived the protest proceedings, the resolution adopted by LAFCO is considered the final resolution and becomes part of the completion package.

If the proposal is terminated, LAFCO issues a Certificate of Termination and notifies the various agencies and individuals that the jurisdictional change will not take place.

VALUE OF WRITTEN PROTEST

Briefly outlined below are the levels of protest which require the Executive Officer, through delegation of responsibility, to call an election or terminate proceedings.

At the conclusion of the protest period, the written protest received will be counted, and one of the following actions will be taken:

1. For **uninhabited** annexations (defined in Government Code Section 56046 as those annexations which contain less than 12 registered voters):
 - (a) Terminate the annexation if protest is received from landowners who represent 50% or more of the assessed value of land (improvement values are not counted) within the annexation area; or
 - (b) Approve the annexation if written protest is submitted by landowners who own less than 50% of the assessed value of the annexation area.

NOTE: In uninhabited annexations, the issue is decided solely on the basis of landowner protest.

2. For **inhabited** annexations (those annexations which contain 12 or more registered voters):
 - (a) Terminate the annexation if protest is received from 50% or more of the registered voters in the annexation area;
 - (b) Call an election on the annexation issue if protest is received from at least 25% but less than 50% of the total number of voters in the annexation area, or if 25% to 100% of the number of landowners--representing at least 25% of the total land value--submit written protest; or,
 - (c) Approve the annexation without an election if written protest is received from less than 25% of the voters and less than 25% of the landowners (who represent less than 25% of the land value).

NOTE: Although both landowners and registered voters may submit a protest against annexation, the ultimate outcome of an inhabited annexation is decided on the basis of registered voter protest or votes in a special annexation election. Thus, the most that can be accomplished through landowner protest in an inhabited annexation is the scheduling of an election wherein the voters--whether they own land or not--will decide the issue.

Further information concerning the annexation protest procedures can be obtained through review of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.). Specifically, Sections 57025, 57051, and 57075 will be the most relevant to your review.

(A complete copy of the Commission's written protest information sheet is on file in the LAFCO staff office.)

COMMISSION RULES OF ORDER

The following Rules of Order were originally adopted on June 14, 1978 for the conduct of business by the Local Agency Formation Commission of San Bernardino County and the holding of regular meetings by such Commission.

RULE 1 - REGULAR MEETING DATE *(Amendment adopted November 14, 1984.)*

Regular meetings of the Local Agency Formation Commission shall be held on the third Wednesday of each month. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings of the Local Agency Formation Commission shall be called to order at nine o'clock a.m., unless advertised differently.

RULE 2 - ORDER OF BUSINESS

The regular order of business of the Local Agency Formation Commission shall be:

- a. Call to Order by the Chairman
- b. Salute to the Flag
- c. Approve Minutes of Previous Meeting
- d. Approve Resolutions of Previous Actions, As Necessary
- e. Presentation of Consent Items
- f. Public Hearing on Continued Items
- g. Public Hearing on New Items
- h. Special Matters
- i. Adjournment

RULE 3 - CHAIRMAN'S ROLE

The Chairman of the Commission shall preserve order and decorum and shall decide questions of order subject to appeal by the Commission. In the Chairman's absence, the Vice Chairman shall act as Chairman.

RULE 4 - QUESTIONS OF LAW

Questions of law may be referred to Commission Counsel for opinion.

RULE 5 - AGENDAS

An agenda shall be prepared by the Commission staff for each meeting of the Commission and shall be distributed in accordance with the Government Code.

RULE 6 - SPEAKER'S PRESENTATION *(Amendments adopted August 27, 1986 and April 16, 1997.)*

The Chair may establish a time limit at the beginning of the public hearing. All members of the public should be encouraged to speak and provide new and relevant information into the discussion.

RULE 7 - CONTINUATION OF PROPOSALS

Actions pending before the Commission may not be continued beyond seventy (70) days from the date specified in the original Notice of Hearing except under special circumstances as determined by the Commission.

RULE 8 - REFERRAL TO COMMITTEES

Any matter coming before the Commission may, if deemed necessary, be referred to staff or a committee of the Commission for additional information.

RULE 9 - APPOINTMENT OF STANDING AND SPECIAL COMMITTEES

The Commission shall appoint such standing and special committees as it may deem necessary.

RULE 10 - PUBLIC MEETINGS

All meetings of the Local Agency Formation Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided herein.

RULE 11 - CLOSED SESSIONS OF COMMISSION *(Amendment adopted August 27, 1986.)*

The Commission may hold Closed Sessions during a regular or special meeting to consider pending or potential litigation; the appointment, employment, or dismissal of an employee; or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission may exclude from any such meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Commission.

RULE 12 - ADJOURNMENT OF COMMISSION HEARINGS

The Commission may adjourn to a time and place specified in the order of adjournment. An insufficient number of Commissioners present to constitute a quorum shall be cause for adjournment. A majority of the members of the Commission (four) constitutes a quorum.

If all members are absent from any regular or adjourned regular meeting, the Clerk to the Commission may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided by law for special meetings.

RULE 13 - TIE VOTES OF COMMISSION

Four votes are necessary to approve a proposal or a motion. A proposal which receives a tie vote shall automatically be continued to the next Commission hearing. A subsequent tie vote at the next hearing of the proposal indicates automatic denial without prejudice.

RULE 14 - CALLING OF EMERGENCY OR SPECIAL HEARINGS

An emergency or special meeting may be called at any time by the Chairman of the Commission, or by a majority of the members of the Commission. Notice of such meeting must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.

RULE 15 - CHAIRMAN'S VOTING PRIVILEGES

The Chairman of the Commission shall, in voting procedures, have all the rights and obligations of other members.

RULE 16 - PARTICIPATION OF ALTERNATE MEMBERS IN DISCUSSION OF PROPOSALS

All members of the Commission, both regular and alternate, are encouraged to participate in the discussions of a proposal before the Commission; however, only regular members may vote on the action. Alternates may vote only when sitting in the place of a regular member who is absent or is disqualified for a particular action.

RULE 17 - DISQUALIFICATION OF MEMBERS ON VOTING *(Govt. Code Section 56336 regarding disqualification of member was amended by Stats. 1986, Ch. 86.)*

The representation by a member or alternate of a city or district shall not disqualify, or be cause for disqualification of, the member or alternate from acting on a proposal affecting the city or the district, as provided by Government Code Section 56336.

RULE 18 - ABSTENTION OF VOTING

The determination by a Commissioner to abstain from voting on any action before the Commission does not indicate, and shall not be counted as, either an "aye" or "no" vote on that count.

RULE 19 - ELECTION OF CHAIRMAN AND VICE CHAIRMAN

The Chairman shall be elected each year, during the first meeting in the month of May, by a majority of the Commission. The Vice Chairman is also elected at this meeting.

RULE 20 - SUSPENSION OR CHANGE TO RULES OF ORDER

Any of the within rules not required by law may be suspended or changed by a majority of the members of the Commission.

GENERAL POWERS AND POLICY GUIDELINES

The Local Agency Formation Commission is a state-mandated entity, established for each county in the state and is independent of local county, city or district governmental jurisdiction.

POLICY #1 - PURPOSE *(Adopted June 14, 1978 and legislatively amended in 1985 and 2000.)*

The purposes of the Local Agency Formation Commission are provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and include the following:

- Discourage urban sprawl;
- Encourage orderly formation and development of local governmental agencies, based on local conditions and circumstances;
- Initiate and make studies of governmental agencies;
- Develop spheres of influence for each local governmental agency.

POLICY #2 - POWERS *(Adopted June 14, 1978. Amended as of December 20, 2000.)*

The powers of LAFCO include the following:

- a. **REVIEW AND APPROVE OR DISAPPROVE PROPOSALS** with or without amendment, wholly, partially, or conditionally:
 - Annexation of territory to cities or special districts.
 - Exclusion of land from cities or special districts.
 - The consolidation of two or more cities, or two or more special districts formed under the same principal act.
 - The formation of new special districts and the incorporation of new cities.
 - The dissolution of special districts and disincorporation of cities.
 - The merger of cities and special districts.

- Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
 - Review of city or special district contracts for service outside of their boundaries (as of January 1, 1994).
 - Review and approve proposals that would extend services into previously unserved territory within unincorporated areas. *(Added by statutes effective January 1, 2001.)*
 - Conduct service reviews of the municipal services provided in the county on a regional or subregional basis, and provide written statements with respect to infrastructure needs, growth and population projections, financing constraints, cost avoidance opportunities, opportunities for shared facilities, and other factors in Government Code Section 56430. *(Added by statute effective January 1, 2001.)*
 - Initiate and make studies of existing governmental agencies, which may include inventorying such agencies.
 - Initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization which includes any of these outlined changes.
- b. ADOPT EVALUATION STANDARDS and procedures for the evaluation of proposals which shall include, but are not limited to, the following factors identified in Government Code Section 56668:
- Conformity of the proposal and its anticipated effects on Commission policies on providing planned, orderly, efficient patterns of urban development and priorities.
 - Conformance with local city or county general plans.
 - The sphere of influence of any local agency which might be affected.
 - Effect of the proposed action and of alternative actions on adjacent areas, mutual social and economic interests, and local governmental structure of the county.
 - Land area and land use.
 - Population and population density.

- Determine if the area is inhabited or uninhabited.
- Proximity to other populated areas.
- Likelihood of significant growth during the next ten years.
- Effect of proposal on maintaining physical and economic integrity of lands in agricultural preserves and open space uses.
- The proposed boundaries in relation to lines of assessment or ownership; the creation of islands or corridors of unincorporated territory.
- Natural boundaries and drainage basins.
- Assessed value.

- c. PLAN FOR SERVICE (This portion of Policy #2 amended by LAFCO Resolution #2204 adopted on May 17, 1989 and amended December 20, 2000.)

The plan for service shall be prepared and submitted by each local agency affected by a proposed change of organization, regardless whether that proposal is initiated by resolution or petition. In the case of a proposed annexation, the plan for service must demonstrate that the range and level of services currently available within the study area will, at least, be maintained by the annexing agency. For those proposals involving a reorganization consisting of annexations to multiple agencies, the plan for service shall also be required for each affected agency.

(A complete copy of the Commission's adopted Standards and Policies for "Plan for Service" is on file in the LAFCO staff office or available on this website under Applications.)

- d. SPHERES OF INFLUENCE: Government Code Section 56425 requires that LAFCO establish spheres of influence for each city and special district in the county, and may establish spheres for unincorporated communities, open space use, or agricultural preserves.

(See Sphere of Influence Policy Statement at the end of this Section for further policy definition. A complete copy of the Commission's Guidelines for Spheres of Influence is on file in the LAFCO staff office.)

- e. TWO OR MORE PROPOSALS FOR THE SAME AREA: If two or more proposals pending before the Commission shall conflict or be inconsistent with each other, the Commission may determine the relative priority for conducting further proceedings on these proposals. In the absence of any such determination, priority shall be given to that action which was first filed with the

Executive Officer.

- f. REORGANIZATION COMMITTEE: The Commission may require the establishment of a reorganization committee for reorganization proposals and to adopt standards and procedures for the evaluation of any plan of reorganization or alternate plan reported on by such committee.
- g. CONDUCT SPECIAL STUDIES: The Commission may initiate and make studies of existing governmental agencies including, but not limited to, inventorying such agencies and determining their maximum service area and service capacities.
- h. OPEN SPACE: It is the intent of the Legislature that Commissions establish policies and exercise their powers so as to encourage and provide planned, well ordered, efficient urban development patterns with appropriate consideration of preserving open space lands within such patterns.
- i. CONDUCTING AUTHORITY: *This policy formerly prescribed the Commission's policies with respect to designation of a "conducting authority" for the protest hearings following LAFCO approval of a proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act, taking effect on January 1, 2001, assigned the responsibility of conducting protest proceedings to the Commission itself. The Commission has determined to delegate this authority to the Executive Officer. Accordingly, this policy was rescinded on December 20, 2000, since this policy was superceded by state law.*
- j. NONCONTIGUOUS TERRITORY ANNEXATION: The Commission has the authority to approve the annexation of unincorporated noncontiguous territory, not exceeding 300 acres in area, located in the same County, and which is owned by the annexing city and used for municipal purposes and to authorize this annexation without notice or hearing.
- k. INHABITED ANNEXATION: In an inhabited annexation to a city, where the area to be annexed equals 50% or more of the assessed value of the city, or the number of registered voters in the area to be annexed is 50% or more than the number of registered voters in the city, the reorganization (annexation) shall be subject to the confirmation of the voters in the area to be annexed and the voters of the city.
- l. DISTRIBUTION OF ASSETS AND LIABILITIES: The Commission may determine the distribution of all assets and liabilities, including recommendations for retaining employees, for all consolidations, mergers, dissolutions, and creations of subsidiary districts, or any other proposal, and shall note such distribution in its resolutions.
- m. CONSOLIDATION OF CITIES: After approval for the consolidation of two or

more cities, the Commission will determine which shall be the consolidated successor city.

- n. FINANCIAL ASSISTANCE: The Commission, or the Board of Supervisors on behalf of the Commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state and federal governments or from a local government.

POLICY #3 - COUNTY RULES AND REGULATIONS (Adopted January 1, 1977, amended February 20, 2002.)

In San Bernardino County, the Commission has determined that for purposes of economy and convenience it chooses to use the rules and regulations of the County as those relate to working rules of staff and to allocation of space and supporting equipment and facilities necessary to accomplish its purpose, except as the Commission may determine otherwise.

- a. EXCEPTIONS TO COUNTY RULES AND REGULATIONS: County rules and regulations shall apply except in those specific situations in which the Commission has approved a policy which establishes a procedure which differs from County rules and regulations. Specifically, such exceptions are:
 - 1) The authority of the Executive Officer to have a credit card to charge to the Commission accounts routine official costs of Commission activities.
 - 2) The authority to spend minimal amounts for plaques and certificates of appreciation for those for whom such expressions are deemed to be appropriate by the Commission.

POLICY #4 - ENVIRONMENTAL ASSESSMENT (Adopted June 14, 1978; Guidelines adopted June 22, 1990; amendment adopted January 18, 1995.)

The Commission will insure that all proposals are reviewed in compliance with the California Environmental Quality Act (CEQA) and Commission adopted CEQA guidelines.

(A complete copy of the Commission's Environmental Review Guidelines [Administrative Policies and Procedures] for the implementation of the California Environmental Quality Act is on file in the LAFCO staff office or available on this website under Publications.)

POLICY #5 - PRIORITIES FOR ANNEXATION AND FORMATION (Adopted April 12, 1972; amendment adopted August 27, 1986.)

The Commission will consider the following priorities or guidelines for annexation and formation with the provision that overriding circumstances must be stated in exceptions:

- a. Annexation to an existing city or district instead of formation of a new agency.
- b. Annexation to a city rather than a district if both can provide comparable services.
- c. Annexation to a multi-purpose district in preference to annexation to a single purpose district.
- d. Formation of a new political entity as the last and least desirable alternative.

POLICY #6 – PRE-ZONING FOR CITY ANNEXATIONS (Adopted June 14, 1978, legislatively amended January 1, 2001).

Effective January 1, 2001, pre-zoning is mandated by Government Code Section 56375. All pre-zoning designations shall remain in effect for at least two years unless the City Council makes specified findings relating to changed conditions and circumstances. No city annexation application will be deemed complete unless the pre-zoning process has been completed.

The adopted procedure for pre-zoning is as follows:

Such pre-zoning shall also require that the city become the lead agency for environmental review for the proposed change and shall prepare and submit to LAFCO the environmental assessment forms in sufficient time for LAFCO's environmental consultant to comment before a determination of environmental effects is made.

POLICY #7 - REHEARING OR APPEAL (Adopted June 14, 1978. Statutorily repealed as of January 1, 2001)

POLICY #8 - DISTRICT CONSOLIDATION OR MERGER WITH NEW CITIES
(Adopted April 12, 1972. Policy #8 is superseded by Policy #25 adopted March 30, 1994.)

POLICY #9 - CONCURRENT CITY-DISTRICT ANNEXATION (Adopted April 12, 1972; subsequent amendments adopted December 12, 1979, May 16, 1980 and April 16, 1997.)

For any annexation within a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community (concurrent city/district annexations).

POLICY #10 - SPECIAL DISTRICT REPRESENTATION (Adopted November 10, 1976)

The Commission has adopted "Rules and Regulations" pursuant to Government Code Section 56332 which permits Special District Representation on the Commission. The Rules and Regulations are included in Section Five of this manual.

POLICY #11 - NOTICE OF VACANCY FOR PUBLIC MEMBER *(Adopted June 14, 1978; amendment adopted April 16, 1997, legislatively amended as of January 1, 2001.)*

Upon announcement that a vacancy for the public member or alternate public member will exist, the Executive Officer shall:

- a. Post a vacancy notice inviting all interested citizens of San Bernardino County to apply within thirty (30) days of posting. The Notice shall be posted at the following locations:
 - 1) LAFCO staff office and hearing chambers;
 - 2) Board of Supervisors hearing chambers;
 - 3) Any other location directed by the Commission;
 - 4) Provide a Notice of Vacancy to all City Clerks and the Clerk of the Board of Supervisors; and,
 - 5) Issue a press release for the purpose of further advertising the vacancy.
- b. The Executive Officer shall accept no application after the expiration of the thirty (30) days, and shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. A review period of not less than ten (10) days shall follow the thirty-day application period.
- c. The Commission may select a personnel committee from among its membership for the purpose of reviewing applications and bringing its recommendations to the full Commission.
- d. The nominee receiving a majority of the votes cast by eligible Commission members will be appointed to the vacant position for either the unexpired or full term and/or until appointment and qualification of a successor.
- e. Effective January 1, 2001, Government Code Section 56325 requires that the Public and Alternate Public Member candidate must receive an affirmative vote from at least one County Member, one City Member, and one Special Districts member for appointment to that position.

POLICY #12 - SUFFICIENCY OF SIGNATURES ON PETITIONS AND NUMBER OF REGISTERED VOTERS (Adopted November 9, 1977; subsequent amendments adopted June 14, 1978 and April 16, 1997.)

The Commission recognizes that the review and approval process for many proposals may be changed, and the number of registered voters affected:

- a. For proposals which require petitions to be circulated, after LAFCO approval, the number of registered voters residing in an area on the date of LAFCO approval is the number of registered voters on which the sufficiency of any petition is based.
- b. For proposals in which petitions are circulated prior to LAFCO approval and for the determination of inhabited or uninhabited actions, the date of the Notice of Filing issued by LAFCO shall be the determining date for the number of registered voters residing within the affected area.

POLICY #13 - DISQUALIFICATION OF A MEMBER FROM DISCUSSION ON AN ACTION (Adopted April 11, 1979; policy repealed by Commission action on April 16, 1997.)

POLICY #14 - EFFECTIVE DATE AS A FUNCTION OF THE CERTIFICATE OF COMPLETION (Adopted June 13, 1979.)

Unless otherwise specified by the Commission, the effective date for all actions shall be the date of issuance of the Certificate of Completion.

POLICY #15 - RESOLUTIONS OF APPRECIATION (Adopted September 12, 1979.)

The Commission authorizes expenditure for mounting and framing of resolutions of appreciation for retiring LAFCO Commissioners and LAFCO staff personnel who have rendered outstanding service.

In respect to retiring Commissioners, the public purpose being served by such expenditure is that through publicly adopted resolutions of appreciation, appropriately framed, other members of the public will also be encouraged to render public service by becoming members of various public agencies and commissions.

The public purpose of the framed resolutions of appreciation for the LAFCO staff is to give recognition for outstanding services rendered, with the purpose of maintaining high morale while at the same time providing further incentive for efficiency and productivity.

POLICY #16 - REQUESTS FOR RECONSIDERATION (Adopted January 24, 1979; subsequent amendments adopted April 9, 1980, June 8, 1983, May 18, 1988, August 29, 1990 and legislatively amended January 1, 2001.)

Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence, or show that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's decision.

No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

The adopted procedure for reconsideration requests is as follows:

Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

1. The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
2. The Commission may deny the request; or
3. The Commission may continue the hearing for a maximum of seventy (70) days.

POLICY #17 - REVIEW OF ENVIRONMENTAL APPEALS (Adopted August 13, 1980.)

Where the published notice of the LAFCO agenda items includes notice of a hearing on any possible appeal from an environmental review determination, the LAFCO may hear the appeal on the same date it hears the agenda item, if:

- a. The appeal was timely filed;
- b. The time for filing an appeal has run;
- c. The appellant and/or applicant have received personal notice of the hearing;
- d. Any party who has requested in writing to be notified has received personal notice of the hearing; and

- e. The appeal is heard in advance of the agenda item.

POLICY #18 - WAIVER OF FILING FEES *(Adopted June 10, 1981; effective July 1, 1981. Amendment adopted March 20, 1996 and July 18, 2001.)*

1. Automatic Waiver:

The LAFCO filing fee for the following types of proposals will be waived; provided, however, that a deposit will be required for the anticipated direct costs for environmental review and the required registered voter and landowner notification. Compliance with these conditions is to be determined by the LAFCO Executive Officer.

- a. City annexations of island areas that comply with Government Code Section 56375.3.
- b. The proposal corrects a boundary alignment problem (i.e., a divided assessor's parcel or inadvertent exclusion).

2. Request for Waiver of Fees:

Any applicant may appeal for a waiver of the LAFCO filing fee to be charged. An appeal must be submitted in writing and accompany the submission of the application to the LAFCO Executive Officer. The Executive Officer shall present the waiver request at the next regular hearing for Commission consideration on the consent calendar. The Commission may authorize a reduction in the LAFCO filing fee based upon the special circumstances of the proposal, if any. Processing of the application shall be held in abeyance until a decision is rendered by the Commission regarding the appeal of fees.

However, the realignment of city or special district boundaries required by the realignment of a roadway will be reduced to a single change of organization fee per entity involved no matter how many changes or separate areas are included in the proposal. The Executive Officer is authorized to notify the entities involved and no further action is required for this reduction."

(A complete copy of the Commission's policies related to the implementation of its schedule of fees and charges is on file in the LAFCO staff office or available on this website under Applications.)

POLICY #19 - ROTATION OF CHAIRMAN AND VICE CHAIRMAN *(Adopted June 9, 1982.)*

The Chairman and Vice Chairman positions shall be limited to two consecutive one-year terms.

POLICY #20 - NOMINATION COMMITTEE *Policy repealed by Commission action on January 16, 1985*

POLICY #21 - PUBLIC COMMENT PORTION OF THE COMMISSION'S AGENDA
(Adopted February 18, 1987.)

The Commission encourages the public to attend its hearings and address the Commission during the "public comment" item on the agenda. Comments must be limited to issues which are under the jurisdiction of the Commission. Oral and written comments may be presented; however, the length of oral comments may be limited by the Chair.

The Commission cannot take any action on the comments except to direct staff to review the issue and submit a report at a future public hearing.

POLICY #22 - DISQUALIFICATION OF MEMBERS FROM VOTING (Adopted June 8, 1983; amendment adopted April 16, 1997.)

No member of the Commission is disqualified from voting on any item being considered by the Commission, except in those instances in which the member has a financial conflict of interest.

In any situation in which the member disqualifies himself (or herself) for whatever reason or is absent, the Alternate member will vote.

POLICY #23 - RETENTION OF MATERIALS UTILIZED DURING COMMISSION HEARINGS (Adopted January 16, 1991.)

Any person utilizing or presenting any audio, visual, or written materials at the LAFCO public hearing must be prepared to provide a copy of every item to the Clerk of the Commission at the time the presentation is made.

POLICY #24 - LEGAL DEFENSE FEE RESPONSIBILITY (Adopted May 19, 1993; effective June 1, 1993.)

It is the policy of this Commission that the costs for legal defense of an issue, which has been approved by the Commission, should be the primary responsibility of the agency or person seeking that approval. Therefore, as a condition of approval for any action taken by the Local Agency Formation Commission, the Commission may impose a condition within its resolution of approval that requires the applicant to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with that approval.

The adopted procedure for the Legal Defense Policy is as follows:

1. The Commission will impose a condition of approval which requires

the applicant to defend, indemnify, and hold harmless the Commission, its agents, and its employees from any claim, action or proceedings against them to attack, set aside, void, or annul such approval.

2. The Executive Officer shall promptly notify the applicant of any legal action brought challenging the Commission's action, and the Commission, its agents, and employees shall cooperate fully in the defense of that action.
3. The applicant may provide his or her own counsel in the defense of the action taken, or the applicant may elect to use the services of LAFCO Counsel in that defense. In the latter case, the Executive Officer may require a deposit of funds sufficient to cover the anticipated expenses of the litigation.

POLICY #25 - INCORPORATION POLICIES *(Adopted March 30, 1994.)*

The following are the policy statements that the Commission has adopted to assist in the guidance of unincorporated communities in their review of governmental options.

- a. Incorporation proposals involving land within an existing city sphere of influence will not be accepted for filing. If a cityhood proposal would conflict with an established city's sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.
- b. The Commission defines "financial feasibility" to mean the ability of a new city to maintain pre-incorporation service levels, with sufficient resources to provide a municipal-level law enforcement service consistent with the recommendations of the County Sheriff.
- c. In determining feasibility, the Commission will consider only those revenues that are currently available to all general law cities. It will not consider revenues derived through special taxes or assessments, nor will it consider hypothetical revenues available through possible actions of a future city council (e.g., utility users taxes) in the determination of financial feasibility.
- d. In determining feasibility, the Commission requires that proposed staff salary costs shall be based on an average of similar-sized cities or those cities which have the most comparable population within San Bernardino and Riverside Counties.
- e. In determining compliance with Government Code Section 56720, the Commission finds that a "reasonable reserve" is a contingency fund equal to

10% of the projected general and special funds of the new city.

- f. The Commission requires that a new city shall assume jurisdiction over all community-based special districts serving the incorporation area. A clear and compelling rationale must be provided if the continued overlay of a community-based district is proposed.
- g. In order to qualify for incorporation, the community in question must contain a minimum of 10,000 people as determined by available census data or other reliable means (e.g., utility connections), and the sales tax revenues attributable to the study area must at least cover the expected administrative and legislative costs of the new city.

POLICY #26 - OUT-OF-AGENCY SERVICE CONTRACTS OR AGREEMENTS
(Adopted May 18, 1994 and amended December 20, 2000.)

- 1. The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extensions where the services in question will not facilitate development (for example, an inter-agency contract for fire protection services). In cases where the Executive Officer recommends denial of a proposed service extension, that proposal shall be placed on the next agenda for which notice can be provided. After the public hearing, the Commission may approve, conditionally approve, or deny the contract.
- 2. In the case where a city or district has acquired the system of a private or mutual water company prior to the enactment of this legislation, those agencies shall be authorized to continue such service and provide additional connections within the certificated service area of the private or mutual water company defined by the Public Utilities Commission or other appropriate agency, at the time of acquisition without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency at the time.

Proposals to extend service outside this previously defined certificated area would come under the provisions of Govt. Code Section 56133 for the review and approval by the Commission prior to the signing of a contract/agreement for the provision of the service.

(A complete copy of the Commission's administrative guidelines for the implementation of Government Code Section 56133 is on file in the LAFCO staff office or available on this website under Applications.)

POLICY #27 – INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS *(Originally Adopted February 19, 1997, Amended February 17, 1999, February 21, 2001{legislatively required} and April 17, 2002.*

In implementing the provisions of Government Code Section 56157, the Commission determines that LAFCO staff shall provide individual notice of Commission hearings to all landowners and registered voters within a proposal's boundaries. In addition, the distance requirements for providing notice to landowners and registered voters surrounding the exterior boundaries of the area proposed for change, as required by Section 56157, will be determined according to the following scale:

PROPOSAL AREA

DISTANCE*

Less than 20 acres
20 acres or more

Four (4) parcels or 700 feet
Four (4) parcels or 1,350 feet

*The distance will be whichever of the above-identified criteria is first met. (For example, for a less than 20-acre proposal, if four parcels are equal to 500 feet, you need not go further to meet the 700 foot requirement.)

The Commission shall provide a notice of hearing to individual landowners and registered voters within areas proposed for a change in a sphere of influence. In cases where such a change would involve mailing more than 1,000 notices, the Commission may direct staff to publish a 1/8th page legal ad in a newspaper of general circulation and a local newspaper for the area. For the periodic sphere of influence review program required by Government Code Section 56425, notice will be limited to the manner required by law unless specific sphere changes are identified.

For an incorporation, formation, consolidation or dissolution proposal, the individual notice requirement will be waived and a 1/8th page legal ad will be placed in a newspaper of general circulation and a local newspaper for the area.

The proponent(s) of the action shall reimburse the Commission's costs associated with providing the notice described by this policy.

POLICY #28 – PARTICIPATION OF ALTERNATE COMMISSION MEMBERS IN OPEN AND CLOSED SESSIONS OF THE COMMISSION *(Adopted May 19, 1999)*

Alternate members of the San Bernardino LAFCO are encouraged to attend and participate in discussion in all open and closed meetings of the Commission. Alternate members may not vote, however, unless a regular member, from the same representation category as the alternate, is absent or disqualifies himself or herself from participating in a meeting of the Commission.

POLICY #29 – ISLAND ANNEXATION RELATED TO IMPLEMENTATION OF AB 1555 (LONGVILLE) (Adopted January 19, 2000, statutorily amended January 1, 2001)

1. The Commission will not permit a city to reduce the size of an existing island through normal annexation proceedings for the purpose of allowing the remaining island to be processed under the AB 1555 (Govt. Code Section 56375.3).
2. The Commission determines that notwithstanding the option provided in AB 1555, the annexing city will be required to provide a hearing as the conducting authority for the island annexation. *Effective January 1, 2001, the element of this policy requiring the city to act as conducting authority is rescinded, due to the statutory requirement that the Commission act as the conducting authority.*
3. The Commission will define the term “substantially surrounded” on a case-by-case basis, through review of land uses, infrastructure, and patterns of service delivery within the island area and surrounding lands. No specific percentage of boundary contiguity will be applied across the board for all proposals purporting to be “substantially surrounded”.

POLICY #30 – CONDUCT OF PROTEST HEARINGS (Adopted December 20, 2000, amended November 21, 2001)

The Commission determines that the responsibility for conduct of protest hearings, including notice and evaluation of protest levels, is delegated to the Executive Officer. The Executive Officer shall issue the final resolution certifying the completion of the proceedings based upon the level of protest submitted.

POLICY #31 – COMMISSION STIPEND/PER DIEM PAYMENT (Adopted February 20, 2002, amended May 19, 2004)

- 1) Commission members shall receive a stipend payment of \$150 per posted Commission hearing.
- 2) Expenses:
 - a. Mileage -- Except as otherwise provided by Federal or State regulations, members of the Local Agency Formation Commission shall be reimbursed for private automobile mileage incurred in attending called meetings at the rate approved for LAFCO employees. All travel which is twenty (20) miles or less round trip from a member's home shall not be reimbursed. If the round trip exceeds twenty (20) miles, then all mileage is reimbursable as provided herein.

- b. Conference Cost – Except as otherwise provided by Federal or State regulations, members of the Local Agency Formation Commission who attend annual or special conferences, seminars, meetings of professional organizations, or other meetings not classified as regular or specific board meetings, with the prior approval of the Commission, shall be reimbursed for their expenses in the same manner as LAFCO employees, but they shall not be paid a stipend for such meetings, conferences, etc.
- c. Travel and Subsistence – Members of LAFCO may be reimbursed for approved travel and subsistence while on authorized LAFCO business. Said reimbursements shall be in accordance with the established rates for LAFCO employees provided in Section 7 - Policies and Details of Expense Reimbursement and Travel of the LAFCO Terms of Employment.

POLICY #32 – SERVICE REVIEW POLICIES (Adopted February 20, 2002; amended May 21, 2003)

General Policy Statement:

The Commission recognizes that service reviews can, in many cases, be an important tool in promoting logical, orderly, and efficient service patterns for local agencies. The Commission also recognizes that such reviews, to be meaningful, must be accomplished with the participation and cooperation of affected local agencies. Finally, the Commission recognizes that the applicability of specific factors required for such reviews may substantially vary based on the unique conditions and circumstances found in San Bernardino County.

Function-by-Function Approach:

In furtherance of the goals of Section 56430, the Commission will conduct such reviews on a sub-regional basis, using a function-by-function approach (e.g., water functions, fire functions, etc.), with the participation of management and/or board members responsible for delivering such services.

Responses to Statutory Findings:

The Commission recognizes that Section 56430 requires written responses to specific findings in the conduct of service reviews. The Commission also recognizes, however, that some or all of the factors listed may not be applicable to specific reviews. Based on discussions, testimony, and appropriate other input from affected agencies and interested parties, the Commission finds that its statutory obligation for written findings will be fulfilled by indicating that, “No substantive issues relative to this factor were identified” when appropriate.

The adopted service review procedures are:

It is the Commission's position that service reviews must be conducted, whenever possible, through a participative and cooperative approach with affected agencies. As the Commission begins to undertake its sphere review/service review responsibilities, the first step shall be to convene a meeting with managers/board members of affected agencies.

Through those discussions, specific service review factors can be identified for further review, and some review factors might be set aside as not requiring further study. Where disagreements among agencies or LAFCO staff might exist as to the applicability of a specific factor, the matter will be brought back to the Commission for a public hearing and decision.

It would also be appropriate for the Commission to direct staff to incorporate its findings related to the service reviews within the staff report prepared for the required sphere of influence study. This would streamline the process and provide for a more efficient Commission hearing schedule. The Commission could then incorporate its sphere of influence review/service review findings within one resolution of approval.

POLICY #33 -- SERVICE REVIEW REQUIREMENT FOR SPHERE OF INFLUENCE AMENDMENTS *(Adopted February 20, 2002; amended May 21, 2003)*

The Commission adopts the following policies relative to sphere of influence amendments:

- An amendment to a retail water district sphere of influence will require a service review if both the following are met:
 1. The area is currently outside the sphere of influence of the appropriate wholesale purveyor.
 2. Objection is received from any agency that provides water service and whose SOI underlies or is adjacent to the subject territory.
- Notwithstanding the foregoing, the Commission reserves the discretion to conduct a service review when it deems appropriate based upon unique conditions and circumstances.

SPHERE OF INFLUENCE

PURPOSE

(Adopted January 18, 1995, by LAFCO Resolution #2499)

Government Code Section 56076 defines a sphere of influence as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow into over time.

The purpose of a sphere of influence is to encourage the “logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities.” The following enumerated items comprise the statement of purpose adopted by San Bernardino LAFCO for spheres of influence:

1. To promote orderly growth of communities, whether or not services are provided by a city or district (board governed or independently governed);
2. To promote coordination of cooperative planning efforts among the county, cities, special districts, and identifiable communities by encouraging compatibility in their respective general plans;
3. To guide timely changes in jurisdiction by approving annexations, reorganizations, etc., within a sphere of influence only when reasonable and feasible provision of adequate services is assured;
4. To encourage economical use and extension of facilities by assisting governmental agencies in planning the logical and economical extension of governmental facilities and services, thereby avoiding duplication of services;
5. To provide assistance to property owners in relating to the proper agency to comprehensively plan for the use of their property;
6. To review, update, and/or change existing spheres of influence periodically to reflect planned, coordinated changes in factors which impact on spheres of influence; and
7. To encourage the establishment of urban-type services only within an adopted sphere of influence.

The Commission emphasizes that a sphere of influence is a planning tool and the establishment of a sphere of influence, or the inclusion of territory within a sphere of

influence of an existing governmental entity, does not automatically mean that the area is being proposed for annexation or development.

Establishment of a Sphere:

As outlined under state law, the Commission is designated as the public body responsible for determining spheres of influence for each city and district within its jurisdiction.

As a function of incorporation and as outlined in Government Code Section 56426.5, the Commission must establish a sphere of influence for a newly-incorporated city within one year of its incorporation effective date. Usually within six months of a city's effective date, the LAFCO staff notifies the city of the requirement pursuant to state law. The sphere proposal may be initiated by the Commission, the city council, or the County Board of Supervisors, through adoption of a resolution of the governing body.

State law also stipulates that a sphere of influence will not be established or changed without specific review and study independent of any action before the Commission at the time. Public hearings are held to review sphere of influence proposals such as establishment, amendment, or in connection with any proposed annexation, which may or may not involve another agency's sphere of influence.

Factors of Consideration:

As part of a sphere of influence review and as outlined in Government Code Section 56425, LAFCO is required to review four "factors of consideration" in connection with any sphere of influence proposal. The factors of consideration are as follows:

1. The present and probable land uses within the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the study area;
3. The present capacity of public facilities and the adequacy of public services that the agency provides or is authorized to provide; and
4. The existence of any social or economic communities of interest in the study area.

In these categories of review, a city or district must show that its planning activities can be beneficial to the area, and that the initiation of those activities is appropriate. None of the above factors by themselves shall be deemed to be a determining factor in the establishment or revision of a sphere of influence for a city, district, or community area, but shall be reviewed as part of the total project.

The factors of consideration noted above are addressed individually within the staff's report for each sphere of influence proposal.

COMMISSION POLICY GUIDELINES FOR SPHERES OF INFLUENCE

The approaches and/or methods listed below are policies adopted by San Bernardino LAFCO. The policies guide the Commission's review in its determination of spheres of influence, periodic reviews and/or updates, and any amendments of those sphere boundaries.

Concurrent Sphere Reviews:

The Commission may include additional agencies as part of its review of a sphere of influence proposal. In considering the sphere of influence of a community, the Commission will concurrently evaluate all agencies serving that community, and as a policy guideline, it will need to establish a single, coterminous sphere for all such agencies.

Community-by-Community Approach:

As previously mentioned, the community-by-community approach is a guide used to establish spheres of influence. The idea was adopted by San Bernardino LAFCO prior to the mandate for spheres of influence, and includes the practice of looking at a total area, which could be considered a community, and defining its boundaries. This approach also considers the existence of inter-related economic, environmental, geographic, and social interests, and attempts to harmonize the conflicting plans and services of the various service entities. Under this approach, an attempt is made to keep the spheres of influence of the various service districts as nearly the same as possible.

Coterminous Boundaries:

The Commission may establish a sphere of influence which is coterminous with existing city/district boundaries when it is not feasible for the public agency to expand beyond its present boundaries. However, as outlined in state law, a sphere of influence must be established for each city and district, regardless whether the sphere boundary is the same as the city or district boundary.

Environmental Review for a Sphere:

A sphere of influence proposal requires review of the environmental aspects of the proposed sphere. The environmental review process is a requirement

outlined in the California Environmental Quality Act (CEQA) that applies to the review of sphere of influence proposals. In compliance with CEQA and the State CEQA Guidelines, San Bernardino LAFCO adopted its own Guidelines and Policies Implementing CEQA on June 22, 1990 with a subsequent amendment adopted on January 18, 1995. The Commission's Guidelines and Policies tailor the general provisions of CEQA to LAFCO's specific functions as both a "Responsible" and a "Lead" agency. The Guidelines and Policies also provide specific procedures used by San Bernardino LAFCO to implement CEQA.

Each sphere of influence proposal involving establishment, expansion, reduction, or submitted as part of the annexation proposal, must be reviewed by the Commission's environmental consultant. As a requirement of LAFCO's review, the environmental assessment must be completed prior to the Commission's review of the item.

Exclusion of Territory:

Under certain circumstances, a sphere of influence may exclude portions of the existing boundaries of a city or district. The Commission encourages reorganization and special studies in this situation to make final determination of which city or district should serve.

For example, certain portions of the City of San Bernardino are surrounded on three sides by the City of Highland, as there are certain portions of the City of Highland that are surrounded on three sides by the City of San Bernardino. In these situations, a sphere of influence study may be initiated to determine which public agency could better serve the area of review. The sphere of influence study would include a review of the possibility of excluding territory from one jurisdiction and the placement of the same territory in another jurisdiction's sphere of influence. The purpose of excluding territory would be an attempt to straighten irregular boundaries, and eliminate confusion arising from multiple jurisdictions.

Modification of a Sphere Review Area:

During the review of a sphere of influence proposal, the Commission may modify the area of review by expanding or reducing the area of review. The expansion or reduction of a sphere can be for several reasons, such as to include areas that may be better served by a public agency, or exclude areas that may be better served by another public agency.

Periodic Review/Update of a Sphere:

As a function of its duties and responsibilities, LAFCO is required to periodically review and/or update spheres of influence. Government Code Section 56425

requires the Commission to review and update, if necessary, all spheres of influence for cities and special districts at least once every five years.

The periodic sphere review does not preclude a public agency (city or district), or an individual from initiating a sphere proposal. The purpose of the periodic sphere review plan is to keep abreast of changes occurring within the public agencies under the jurisdiction of LAFCO.

Requirement for a Sphere Review in Relationship to Annexation:

State law precludes the Commission from approving annexation proposals lying outside of current sphere of influence boundaries for the affected city or district. If an annexation proposal lies outside the sphere of influence of a city or district, the annexation proposal must also include a sphere review. The joint sphere and annexation review is to maintain consistency in city or district boundaries and their sphere boundaries, for the extension and provision of services as it relates to proposed annexation sites.

Responsibility/Obligation for a Sphere Area:

When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city or district agrees to plan for the provision of services.

Urban Development within a City Sphere:

LAFCO takes the position that any new urban development which occurs within a city sphere of influence should take place as close to the city's urban area as possible. This position is emphasized for two reasons: First, so that contiguous areas may easily be annexed to the city; and secondly, so that the new urban area can be served by reasonable extension of the city's already developed municipal services.

POLICY STATEMENT ADOPTED BY
INDEPENDENT SPECIAL DISTRICTS
AND LAFCO

REGARDING LAFCO INDEPENDENT SPECIAL DISTRICT REPRESENTATION

1. SPECIAL DISTRICT REPRESENTATION. *(Amendment adopted by Commission April 17, 2002)*

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, independent special districts shall have two representatives plus one alternate on LAFCO.

2. METHOD OF SELECTION. *(Amendment adopted by Commission April 17, 2002)*

An Independent Special Districts Selection Committee shall be composed of the presiding officers of the legislative body of each independent special district located wholly within the County of San Bernardino and those containing territory within said County representing 50% or more of the assessed value of taxable property of each district. The Selection Committee shall appoint all independent special district representatives and alternate. Each member of the Selection Committee shall be entitled to one vote for each independent special district for which they are presiding officer. The meetings of the Selection Committee shall be in accordance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 et seq.

3. TERM OF OFFICE. *(Amendment adopted by Commission April 17, 2002)*

Other than the initial special districts representatives, the terms of office shall be for four years and until the appointment and qualification of a successor. Every officer whose term has expired shall continue to discharge his duties until his successor has qualified.

4. SPECIAL DISTRICT REPRESENTATIVES. *(Amendment adopted by Commission April 17, 2002)*

It shall be the policy of LAFCO that special district representatives and alternate should represent districts located in the San Bernardino Valley area, the desert area, and the mountain area. Inasmuch as possible, they should not represent

agencies that provide like service, (i.e., they should represent fire protection service, water service, sewer service, cemetery service, etc.). They shall be chosen as provided by the provisions within Government Code Section 56000 et seq.

5. SPECIAL DISTRICTS ASSOCIATION. The association offers its services to work with the districts and LAFCO to provide assistance and coordination and to act as a forum to air and discuss problems of special districts and to make recommendations to LAFCO and the Selection Committee.

RULES AND REGULATIONS OF THE
LOCAL AGENCY FORMATION COMMISSION
OF SAN BERNARDINO COUNTY
AFFECTING FUNCTIONS AND SERVICES OF SPECIAL DISTRICTS

SECTION 1 - AUTHORIZATION. (Amendment adopted by Commission April 17, 2002)

These rules and regulations are authorized pursuant to the provisions of Government Code Section 56000 et seq. and were originally adopted concurrent with an order for representation on the Commission by Independent Special Districts.

SECTION 2 - APPLICATION.

These rules and regulations shall apply to and affect all special districts located within San Bernardino County or for which said County is the principal county of the district, as specifically provided hereinafter. (Exhibit "A")

SECTION 3 - POWER OF THE COMMISSION. (Amendment adopted by Commission April 17, 2002)

The Commission shall:

- (a) Classify the various types of services which customarily are or can be provided within a single function of a special district.
- (b) Require existing districts to file written statements with the commission specifying the functions or classes of service provided by such district.
- (c) Establish the nature, location, and extent of any functions or classes of service provided by existing districts
- (d) Determine that, except as otherwise authorized by such rules and regulations, no new or different function or class of service shall be provided by any existing district.

These rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing district, of any function or service which the commission, pursuant to these rules and regulations, has established as currently being provided by such special district.

SECTION 4 - DEFINITIONS. (Amendment adopted by Commission April 17, 2002)

The definitions as outlined within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 shall apply in these rules and regulations.

SECTION 5 - CLASSIFICATION OF FUNCTIONS AND SERVICES.

The classifications of functions and services are hereby established as provided in Exhibit "B," attached hereto and made a part of these rules and regulations.

SECTION 6 - INVENTORY OF SPECIAL DISTRICTS SERVICES.

Upon approval of the Rules and Regulations, at the request of the Executive Officer, and within sixty (60) days thereof, each special district shall provide the Commission with the following information and materials:

- (a) A report of the functions and services, as classified herein, being provided by the district prior to the date of the adoption of these rules and regulations.
- (b) A statement concerning the legal authority for the rendering of such functions and services.
- (c) A map or maps showing the boundaries of the district and the location(s) where such functions and services are then being provided.

For the purposes of these rules and regulations, a district shall be deemed to be providing a function or service if the district is actually exercising its powers to provide such function or service for the benefit of land or inhabitants within its boundaries.

Factors to be considered in a determination of whether a district is actually exercising its powers to provide such function or service may include, but not be limited to:

- (a) The existence of authorized but unsold bonds or the existence of actual bonded indebtedness where such bonds were authorized or sold in order to generate funds for the provision of such function or service.
- (b) The expenditure of funds and/or the obligation of funds, previously incurred contractual obligations, or the accumulation of funds for property, facilities, contract rights or equipment where such expenditure, obligation, or accumulation is for a specific objective or goal related to the provision of such function or service.

- (c) The actual provision of such function or service to the public, as, for example, the actual provision of sewer service, fire protection service, TV translation service, etc.

SECTION 7 - ESTABLISHMENT OF EXISTING FUNCTIONS AND SERVICES.

Following receipt of the reports required by Section 6, above, the Commission shall establish by one of the following procedures the nature, location, and extent of all functions and services, as classified herein, then being provided by such special district:

- (a) By approving the original report filed by the special district, or as it may be modified by the district.
- (b) If the Commission desires any change in the report, it shall be returned to the district with requested modifications, and shall be resubmitted to the Commission within thirty (30) days.
- (c) If any special district shall fail or refuse to file any report required herein, or if any modified report is not approved by the Commission, the Commission shall make its own study and report on the functions and services being provided by the district, and shall consider the matter at a public hearing before making a final decision thereon.

LAFCO shall have the final authority to determine whether a special district is presently exercising a function or service, as such exercise is defined in Section 6 of these rules and regulations.

SECTION 8 - LIMITATIONS UPON EXERCISE OF FUNCTIONS AND SERVICES.

(Amendment adopted by Commission April 17, 2002)

Upon establishment of the functions and services being provided by a special district, the district shall not provide or engage in any new or different function or class of service, except as authorized by these rules and regulations.

The rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing district, of any function or service which the Commission, pursuant to these rules and regulations, has established is currently being provided by such special district.

SECTION 9 - APPLICATION FOR PROVISION OF NEW OR DIFFERENT FUNCTION OR SERVICE.

(Amendment adopted by Commission April 17, 2002)

Any special district proposing to provide any new or different function or service, in addition to those identified and established by the Commission pursuant to Section 7, hereof, shall file with the Executive Officer a resolution of its governing board making

application for the provision of such additional function or service. The resolution of application shall be in such form as defined by the Commission and shall include, but not be limited to, all matters as identified in Government Code Section 56700. The appropriate application form shall be prepared and shall include, or be accompanied by, all of the following:

- (a) A statement of the nature of the proposal and the reasons therefore, and shall include, but not be limited to: general plan, growth rate, topography, and economic feasibility.
- (b) A "Plan for Service" as defined by Government Code Section 56824.12.
- (c) A legal description and map of the territory which is the subject of the proposal.
- (d) Names and addresses of other agencies or service providers affected by this change.
- (e) The names and addresses of the officers or persons, not to exceed three, who are to be given mailed notice of the hearing.
- (f) Such additional data and information as may be required by the Executive Officer pertaining to any of the matters or factors which may be considered by the Commission.

SECTION 10 - HEARING ON APPLICATION FOR PROVISION OF NEW OR DIFFERENT FUNCTION OR SERVICE. (Amendment adopted by Commission April 17, 2002)

Upon the filing of the resolution of application, the Executive Officer shall, after environmental review, set the matter for hearing by the Commission.

- (a) The date of the hearing shall not be more than ninety (90) days after such filing.
- (b) The Executive Officer shall cause notice of hearing to be published in a newspaper of general circulation within the area for which the provision of additional function or service is proposed, at least twenty-one (21) days prior to the date of the hearing.
- (c) The Executive Officer shall also cause notice of such hearing to be mailed, at least twenty-one (21) days prior to the date of hearing to: (1) the district adopting the resolution of application; (2) each city or district within three (3) miles of the subject district; (3) each person who is designated in the application to receive notice; and (4) any person who has filed a written request for special notice with the Executive Officer.

- (d) Such hearing may be continued from time-to-time from the original date of such hearing. The conduct of such hearing shall be governed by the provisions of Govt. Code Section 56000 et seq. and by the rules of the Commission. At any time not later than thirty-five (35) days after the conclusion of the hearing, the Commission shall adopt a resolution making determinations, and approving or disapproving the provision of the additional function or service by the district.

SECTION 11 - REVIEW OF FUNCTIONS AND SERVICES.

The Commission may periodically review and update the inventory of functions and services established for each special district. In conducting such a review, the Commission may require the special districts to provide current information concerning established functions and services and the special districts shall comply with this request. The Commission may, after public hearing, remove any function or service established for a special district, if the Commission determines that the function or service is not currently being provided by the district.

SECTION 12 - PROCEEDINGS FOR ADOPTING, AMENDMENT OR REPEAL OF RULES AND REGULATIONS. (Amendment adopted by Commission April 17, 2002)

The Commission may take proceedings pursuant to this article for the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts within the county. Such proceedings may be initiated either by the Commission or by independent special districts within the county.

SECTION 13 - MINOR CHANGES IN EXISTING RULES AND REGULATIONS. (Amendment adopted by Commission April 17, 2002)

Minor changes in any existing rule or regulation affecting special districts may be ordered by the Commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided, that the Commission makes a determination that such changes will not substantially affect the functions and services of any special district subject to such rules and regulations and such determinations are concurred in by both Commission members appointed to represent independent special districts.

SECTION 14 - DISTRICTS AND PRINCIPAL ACTS (Amendment adopted by Commission on May 15, 1996, and April 17, 2002).

The type of districts to be included in representation are outlined in Government Code Section 56036 and are listed in Exhibit "C" along with their principal acts. The type of districts to be excluded from representation are outlined in Government Code Section 56044.

EXHIBIT "A"**LISTING OF SPECIAL DISTRICTS FUNCTIONS AND SERVICES**

(Update prepared March 2001)

Independent Districts

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
<u>AIRPORT DISTRICTS</u>		
Big Bear	Airport	Operations and maintenance
Yucca Valley	Airport	Operations and maintenance
<u>CEMETERY DISTRICTS</u>		
Barstow	Cemetery	Burials, selling plots, opening and closing of graves
Needles (District dissolved effective June 1, 1994, City of Needles successor agency.)		
Twentynine Palms	Cemetery	Interment
<u>COMMUNITY SERVICES DISTRICTS</u>		
Baker	Water	Supply water for domestic, sanitation, irrigation, fire prevention, collect and store water and storm water
	Sanitation	Collection, treatment, disposal
	Sewer	Collection, treatment
	Fire Protection	Structural, watershed
	Park and Recreation	Local park development, operation, recreation
	Streetlighting	Streetlighting
	Health Services	Ambulance and related health services

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
	TV Translator	TV Translator
	Solid Waste	Garbage, Refuse
Barstow Heights	Water	Domestic, sanitation, agriculture, industrial, fire protection, recreation
	Park and Recreation	Maintenance
Big Bear City	Water	Retail, domestic, agriculture, replenishment
	Sanitation	Collection and disposal
	Streetlighting	Streetlighting
	Fire Protection	Structural, watershed
	Rubbish	Collection and disposal
	Mosquito Abatement	Mosquito abatement
	Library Services	Library services
	Transportation	Transportation services
	Park and Recreation	Senior citizens center
Big River	Water	Irrigation, sanitation, industrial, fire protection, recreation, domestic
	Park and Recreation	Acquisition, maintenance
	Police	Security patrol
Daggett	Water	Retail, wholesale, domestic, industrial, irrigation, fire protection, sanitation
	Streetlighting	Streetlighting
	Park and Recreation	Local park development
	Fire Protection	Structural, watershed, suppression,

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
		prevention
Lake Arrowhead	Water	Retail, domestic, operation of water
	Sewer	Collection, transportation, treatment, reclamation, disposal
Morongo Valley	Fire Protection	Structural, watershed, prevention, emergency first aid, maintenance of emergency phone service
	Park and Recreation	Local park development, operation, recreation
	Streetlighting	Streetlighting
	Library Service	Library service
	Weather Reporting	Daily recordings, weekly newspaper report, monthly U.S. Weather Service and Flood Control District Report (service provided but not an authorized service under CSD law)
	Water	Wholesale, retail, agricultural, domestic, replenishment
	Streets	Construction, repair and maintenance
Newberry Springs	Water	Management, domestic use, irrigation, sanitation, industrial, fire protection, recreation
	Fire Protection	Structural and watershed
	Streetlighting	Streetlighting
	Park and Recreation	Local park development, operation, maintenance
	Sewer	Collection, treatment, disposal of sewage waste and storm water
Yermo	Fire Protection	Structural, watershed, suppression, prevention

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
	Streetlighting	Streetlighting
	Park and Recreation	Local park development, operation, maintenance
	Water	Retail, domestic, operation of water, agricultural

FIRE PROTECTION DISTRICTS

Apple Valley	Fire Protection	Structural, watershed, rescue, ambulance, paramedic, suppression, prevention
Barstow	Fire Protection	Suppression, prevention, structural, watershed, first aid, rescue, paramedic, ambulance
Big Bear Lake (Subsidiary District)	Fire Protection	Structural, watershed, suppression, prevention, rescue, first aid
Chino Valley Independent	Fire Protection	Protection, structural, watershed, inspection, suppression, paramedic
Crest Forest	Fire Protection	Structural, watershed, suppression, prevention, rescue, communications, supplemental ambulance manpower
Hesperia (Subsidiary District)	Fire Protection	Structural, watershed, suppression, prevention, ambulance, paramedic
Rancho Cucamonga (Subsidiary District) (Formerly named Foothill FPD)	Fire Protection	Structural, suppression, watershed, prevention, protection, first aid, rescue
Victorville (Subsidiary District)	Fire Protection	Structural, watershed, suppression, prevention, first aid, rescue

HEALTH CARE DISTRICTS

Bear Valley Community	Hospital	Acute and continual medical care, hospital administration, 24 hour emergency room service
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<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
Hi-Desert Memorial	Hospital	Acute, emergency, continual medical care, hospital administration
Needles Desert Community (District dissolved effective December 3, 1995; City of Needles successor agency.)		
San Bernardino Mountains Community	Hospital	37 bed acute care general hospital

MOSQUITO ABATEMENT DISTRICTS

West Valley Vector Control	Vector Extermination	Extermination of mosquitoes, flies, or other insects, rats or other rodents
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PEST ABATEMENT DISTRICT

Big Bear Lake

(District dissolved effective December 20, 1994; Big Bear Valley Recreation and Park District successor agency.)

RECREATION AND PARK DISTRICTS

Apple Valley

(District dissolved effective March 26, 2001; Town of Apple Valley successor agency.)

Barstow	Park and Recreation	Park development, construction, operation, recreational program
Hesperia	Park and Recreation	Local park development, operation, recreation
	Streetlighting	Streetlighting
Parker Dam	Park and Recreation	Park and recreation
	Streetlighting	Streetlighting
Rim of the World	Park and Recreation	Park and recreation
Victorville (Subsidiary District)	Park and Recreation	Development, operation, recreation

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
<u>RESOURCE CONSERVATION DISTRICT</u>		
East Valley	Resource Conservation	Control of runoff, prevention of soil erosion, development and distribution of water and improvement of land capabilities
Inland Empire West	Resource Conservation	Control of runoff, prevention of soil erosion, development and distribution of water and improvement of land capabilities
Mojave Desert	Resource Conservation	Control of runoff, prevention of soil erosion, development and distribution of water and improvement of land capabilities
Riverside-Corona	Resource Conservation	Control of runoff, prevention of soil erosion, development and distribution of water and improvement of land capabilities
<u>SANITARY DISTRICT</u>		
Victorville (Subsidiary District)	Sanitation	Sewage collection, disposal, construction maintenance of lines
<u>WATER CONSERVATION DISTRICTS</u>		
Chino Basin	Water Conservation	Water conservation
San Bernardino Valley	Water Conservation	Water conservation
<u>WATER DISTRICTS</u>		
Apple Valley Foothill	Water	Retail, agricultural, domestic, replenishment
Apple Valley Heights	Water	Retail, domestic
Arrowbear Park	Water	Retail, domestic
	Sewer	Collection, transportation

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
Baldy Mesa	Fire Protection	Structural, watershed, suppression, prevention, first aid, rescue
	Park and Recreation	Operation, maintenance
	Sanitation	Refuse collection at parks
	Water	Retail, agricultural, domestic, replenishment
Crestline Village	Sewer	Collection, transportation
	Water	Domestic
Cucamonga	Water	Retail, agricultural, domestic, replenishment, wholesale, treatment
	Sewer	Collection, source control, reclamation
	Water	Retail, agricultural, domestic, replenishment
East Valley	Sewer	Collection
	Park and Recreation	Development, maintenance
	Water	Wholesale, retail, agricultural, domestic replenishment
Hesperia (Subsidiary District)	Sanitation	Solid waste
	Sewer	Engineering, planning, operations, maintenance, construction
	Park and Recreation	Park and recreation limited to trout farm, and campground
	Water	Retail, agricultural, domestic, replenishment, fire flow, fire hydrants
Hi-Desert	Sewer	Engineering, planning
	Park and Recreation	Engineering, planning

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
Joshua Basin	Water	Retail, agricultural, domestic, replenishment, wastewater management
Juniper Riviera	Water	Develop water system, system maintenance
Mariana Ranchos	Water	Sale of domestic water
Mojave River (District dissolved effective January 24, 1996; Mojave Water Agency successor agency.)		
Monte Vista	Water	Agricultural, domestic replenishment, retail
	Park and Recreation	Local park development
Running Springs	Water	Domestic, retail, wholesale, conservation
	Sewer	Collection, transportation, treatment
	Fire Protection	Structural, watershed, suppression, prevention, rescue
	Park and Recreation	Local park and recreation
	Sanitation	Collection, transportation, waste and trash disposal
Thunderbird	Water	Domestic
Twentynine Palms	Water	Retail, agricultural, domestic, replenishment
	Sewer	Planning
	Fire	Structural, watershed
Victor Valley	Water	Purveyor
West San Bernardino	Water	Domestic, irrigation, spreading
	Sewer	Collection

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
Yucaipa Valley	Water	Retail, agricultural, domestic, replenishment, wholesale
	Sewer	Sewage collection, treatment, wastewater reclamation
<u>MUNICIPAL WATER DISTRICTS</u>		
Big Bear	Water	Acquisition of facilities and recreation
	Sewer	Reclamation
	Park and Recreation	Development, operation, maintenance
	Fire Protection	Structural, watershed, first aid, rescue, prevention, inspection
Inland Empire Utilities Agency (formerly Chino Basin Municipal Water District)	Water	Wholesale, reclamation, wastewater collection, planning, replenishment
	Sewer	Regional treatment, collection
	Total Basin Management	Planning for Chino hydrological basin
San Bernardino Valley	Water	Wholesale, retail, agricultural, domestic, replenishment, conservation
	Sewer	Collection, transportation, treatment, reclamation, disposal
	Power	Generation, distribution
	Park and Recreation	Development, operation, recreation
	Electrical Production	
	Electrical Transmission	

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
<u>SPECIAL ACT WATER AGENCIES</u>		
Bighorn-Desert View	Water	Acquisition, retail, distribution
Crestline-Lake Arrowhead	Water	Acquisition, wholesale, retail, domestic
Mojave Water	Water	Acquisition, wholesale, retail
	Sewer	Regional treatment, wastewater reclamation
Odessa Water District (Board of Directors is City Council of the City of Barstow)	Water	Acquisition, retail, wholesale

Dependent Districts

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
<u>COUNTY SERVICE AREAS</u>		
CSA 9 (Phelan)	Streetlighting	Streetlighting
	Roads	Road maintenance (Activated December 17, 1997)
	Park and Recreation	Park and recreation (Activated December 17, 1997)
CSA 17 (Apple Valley)	Streetlighting	Streetlighting
CSA 18 (Cedarpines Park)	Road	Road maintenance
	Water	Water
	Park and Recreation	Development, operation, recreation, maintenance
CSA 20 (Joshua Tree)	Streetlighting	Streetlighting
	Roads	Street improvements, curbs, gutters
	Fire Protection	Fire protection
	Park and Recreation	Development, operation, recreation
CSA 29 (Lucerne Valley)	Cemetery	Cemetery
	TV Translator	Television translation
	Fire Protection	Fire protection
	Park and Recreation	Development, operation, recreation
	Streetlighting	Streetlighting
	Ambulance	Ambulance service
	Water	Water
	Sewer	Sewer

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
CSA 30 (Red Mountain)	Streetlighting	Streetlighting
	Planning	Regional planning
	Fire Protection	Fire protection (by contract with Kern County)
CSA 38	Fire Protection	Structural, watershed, prevention, suppression, first aid, rescue
CSA 40 (Elephant Mountain)	TV Translator	Television translation
CSA 42 (Oro Grande)	Park and Recreation	Park and recreation
	Water	Water distribution and treatment
	Sewer	Sewer distribution and treatment
	Streetlighting	Streetlighting
	Solid Waste	Operation of rubbish disposal facility
CSA 53 (Big Bear)	Streetlighting	Streetlighting
	Fire Protection	Fire protection
	Sewer	Sewer
	Road	Road maintenance
	Water	Water distribution and treatment
CSA 54 (Crest Forest & Crestline)	Streetlighting	Streetlighting
CSA 56 (Wrightwood/Pinon Hills)	Streetlighting	Streetlighting
	Park and Recreation	Park and recreation
	Animal Control	Animal control
	Sewer	Sewer
	Fire Protection	Protection, prevention

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
	Ambulance	Ambulance service
CSA 59 (Deer Lodge Park)	Roads	Street maintenance, signs, improvements, curbs gutters
CSA 60 (Victor Valley)	Airport	Airport operation and maintenance
CSA 63 (Oak Glen/Crafton)	Sanitation	Sanitation
	Streetlighting	Streetlighting
	Park and Recreation	Park and recreation
	Roads	Street maintenance, signs, improvements, curbs, gutters
	Disaster Preparedness	Prepare and store emergency supplies, planning
CSA 64 (Spring Valley Lake)	Water	Water
	Sewer	Sewer
	Roads	Roads
	Street Sweeping	Street Sweeping (Confirmed January 21, 2004)
CSA 68 (Valley of the Moon)	Roads	Road maintenance
CSA 70 (Countywide)	Weed abatement	Weed abatement
	Sewer	Sewer distribution and treatment
	Fire protection	Structural, watershed, inspection, suppression, protection, paramedic
	Water	Water distribution and treatment
	Police	Police protection
	Extension of Utility Lines	Installation of electric power lines
	Streetlighting	Streetlighting

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
	Dam Construction	Dam construction
	Roads	Road maintenance
	Park and Recreation	Development, operation, maintenance
	Animal control	Animal control
	Pest control	Pest control
	TV Translator	Television translation
	Flood Control	Flood control
	Ambulance	Ambulance services
	Street Sweeping	Street sweeping
	Open-space and Habitat Conservation	Acquisition and preservation of land for the purpose of protecting unique, sensitive, threatened, or endangered species, or historical or culturally significant lands that are deemed to be in need of protection by the county board of supervisors (Confirmed November 17, 2004)
CSA 73 (Arrowbear lake)	Park and Recreation	Park and recreation
	Streetlighting	Streetlighting
CSA 77 (Mariana Ranchos) (District dissolved effective October 31, 2003.)		
CSA 79 (Green Valley Lake)	Fire protection	Inspection, suppression, protection, first aid, rescue
	Sewer	Collection, disposal
	Water	Water
	Roads	Maintenance and improvement
CSA 82 (Searles Valley)	Park and Recreation	Park and recreation

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
CSA 110 (I-10 Corridor)	Streetlighting	Streetlighting
	Cemetery	Cemetery
	Sewer	Collection, treatment
	Ambulance	Rescue
	Fire Protection	Suppression, prevention
	Animal control	Animal control
	Area Planning	Engineering and feasibility studies
	Water	Planning and engineering studies
	Streetlighting	Streetlighting
	Sewer	Planning and engineering studies
	Roads	Construction and maintenance
	Park and Recreation	Development of facilities and services
	Soil Conservation and Drainage	Soil conservation and drainage
	Fire Protection	Development of facilities
CSA SL-1 (Valley-wide)	Streetlighting	Streetlighting

FIRE PROTECTION DISTRICTS

Central Valley	Fire	Suppression, prevention, weed abatement, emergency, rescue
Forest Falls	Fire	Structural, watershed, inspection, suppression, first aid, rescue
Lake Arrowhead	Fire	Protection, ambulance
Monte Vista	Fire	Protection, prevention

<u>DISTRICT</u>	<u>FUNCTIONS</u>	<u>SERVICES</u>
Yucca Valley	Fire	Structural, watershed, rescue, ambulance, paramedic
<u>RECREATION AND PARK DISTRICTS</u>		
Big Bear Valley	Park and Recreation	Operation and maintenance
Bloomington	Park and Recreation	Development, operation, recreation
<u>SANITATION DISTRICT</u>		
Crestline	Sewer	Collection, transportation, treatment, disinfection, reclamation, disposal

EXHIBIT "B"**CLASSIFICATION OF FUNCTIONS AND SERVICES**

(Reference to Section 5 of said Rules and Regulations)

(Amended by Action of Commission on April 16, 1997)

FUNCTION	SERVICES
Ambulance	
Animal Control	
Cemetery	
Dam	
Disaster Preparedness	
Drainage and Reclamation	
Electrical Production	
Electrical Transmission	
Fire	Structural, watershed, first aid, ambulance, paramedic, rescue, fire prevention and suppression
Flood Control	
Gas	
Graffiti Abatement	
Hospital	
Library	
Park and Recreation	Park development, operation, and recreation
Pest Control	
Police	

Power	General, distribution
Road	Construction and maintenance
Rodent Control	
Sewer	Collection, transportation, treatment, reclamation, disposal
Soil Conservation	
Solid Waste	Garbage, refuse
Streetlighting	
Telephone Communication	
Television	Translation
Transportation	Roads, airport, operation of bus or other public transit system
Vector Control	
Water	Wholesale, retail, agricultural, domestic, replenishment, conservation
Weed Abatement	

EXHIBIT “C”**DISTRICTS AND PRINCIPAL ACTS**

(Reference to Section 15 of Said Rules and Regulations)
 (Amended by Action of Commission on May 15, 1996)
 (Amended by Action of Commission on April 16, 1997)

TYPE OF DISTRICTS	PRINCIPAL ACT
Airport	Public Utilities Code Section 22001-22979
Cemetery	Health and Safety Code 8890, et seq., Chapter 1 Part 4, Division 8
Community Service	Government Code 61100, Division 3, Title 5, superseded by Division 3, Title 6
County Service Area	Government Code 25210, Title 3, Division 2, Part 2, Chapter 2.2
County Water District	Water Code 30000 et seq., Division 12, Water Code Section 31575
Fire District and Fire Protection Districts	Health and Safety Code 13801, et. Seq., Part 2.7, Division 12
Hospital/Health Care	Health and Safety Code 32000, Division 23
Mosquito Abatement/Vector Control Districts	Health and Safety Code Section 2200- 2395
Municipal Water Districts	Water Code, Division 20, 71000-73000, Water Code Appendix 20-1
Park District and Park and Recreation Districts	Public Resources Code 5400 and 5780, Chapter 4, Division 5, Public Resources Code 5431
Resource Conservation	Public Resources Code Section 9151 through 9962, Chapter 3, Division 9

Sanitary Districts	Health and Safety Code 6400, et seq., Part 1, Division 6
Sanitation Districts	Health and Safety Code 4700, et seq., Chapter 3, Part 3, Division 5
Water Conservation	Water Conservation Act of 1931, Water Code Appendix, Chapter 39, Sections 74000 – 76501
Special Act Water Agencies:	
Crestline-Lake Arrowhead Water Agency	CLAWA Law (338-1779) Statutes 1962, Chapter 40, Water Code Appendix Chapter 104
Mojave Water Agency	MWA Law (245-7717) Statutes 1959, Chapter 2146, Water Code Appendix, Chapter 97
Bighorn Mountain Water Agency	BMWA Law (Statutes 1969, Chapter 1175, P.2273) Water Code Appendix, Section 112-1 to 54
Odessa Water District	ODWD Law (Statutes 1991, Chapter 533) Water Code Appendix Section 132-101

**FORMS ADOPTED
BY
LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

Initiating Document:

- Notice of Intent to Circulate
- Landowner Petition Initiating Change
- Registered Voter Petition Initiating Change
- Landowner Consent Form

Application Documents:

- Justification for Proposal and Preliminary Environmental Description Form
- Annexation, Detachment, Reorganization Supplement Form
- Sphere of Influence Change Supplement Form
- City Incorporation Supplement Form (*not yet adopted*)
- Formation of a Special District Supplement Form
- Activation of Latent Powers for Special Districts Supplement Form (*Adopted April 17, 2002*)

Voter Location List Forms:

- Within area proposed for change
- Surrounding area of proposed change

Listing of Assessor's Parcel Numbers:

- Within area proposed for change
- Surrounding area of proposed change

Forms for Submission of Protest:

- Landowner Protest Petition
- Registered Voter Protest Petition

Out of Agency Service Contract:

- Application Form for Service Contracts